

CLOSED, ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-05878-RJS**

Ferrigno v. United States Department of Homeland Security,
Immigration and Customs Enforcement
Assigned to: Judge Richard J. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2009
Date Terminated: 12/20/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: Federal Question

Plaintiff**Charles Ferrigno**

represented by **Alan Edward Wolin**
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V.

Defendant

**United States Department of Homeland
Security, Immigration and Customs
Enforcement**

represented by **Li Yu**
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Date Filed	#	Docket Text
06/26/2009	<u>1</u>	COMPLAINT against united States Department of Homeland Security, Immigration and Customs Enforcement. (Filing Fee \$ 350.00, Receipt Number 692768) Document filed by Charles Ferrigno. (laq) (Entered: 06/30/2009)
06/26/2009		SUMMONS ISSUED as to United States Department of Homeland Security, Immigration and Customs Enforcement. (laq) (Entered: 06/30/2009)
06/26/2009		Magistrate Judge Ronald L. Ellis is so designated. (laq) (Entered: 06/30/2009)
06/26/2009		Case Designated ECF. (laq) (Entered: 06/30/2009)
07/23/2009	<u>2</u>	AFFIDAVIT OF SERVICE. United States Department of Homeland Security, Immigration and Customs Enforcement served on 7/10/2009, answer due 9/8/2009. Service was accepted by Calvin Coleman, Legal Tech. Service was made by MAIL. Document filed by Charles Ferrigno. (Wolin, Alan) (Entered: 07/23/2009)
07/31/2009	<u>4</u>	ORDER (Status Conference set for 9/24/2009 at 09:15 AM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan.) By 4:00 p.m. on September 17, 2009, parties shall jointly submit a letter, not to exceed five pages, providing, in separate paragraphs information as set forth herein. In addition, the parties are directed to complete the Case Management Plan and Order and submit it to the Court not later than 4:00 p.m. on September 17, 2009. (Signed by Judge Richard J. Sullivan on 7/30/09) (dj) (Entered: 07/31/2009)

07/31/2009		***DELETED DOCUMENT. Deleted document number 3 ORDER. The document was incorrectly filed in this case. (ae) (Entered: 08/03/2009)
08/07/2009	<u>5</u>	ORDER: It is hereby ordered that Defendant shall answer or otherwise respond to the Complaint by September 10, 2009. All deadlines set forth in the Court's July 31, 2009 Order remain intact. (Signed by Judge Richard J. Sullivan on 8/6/2009) (jpo) (Entered: 08/07/2009)
09/10/2009	<u>6</u>	ANSWER to Complaint. Document filed by United States Department of Homeland Security, Immigration and Customs Enforcement.(Yu, Li) (Entered: 09/10/2009)
09/22/2009	<u>7</u>	ORDER, 9/24/09 Status Conference reset for 10/15/2009 at 10:30 AM before Judge Richard J. Sullivan. (Signed by Judge Richard J. Sullivan on 9/21/09) (cd) (Entered: 09/22/2009)
10/13/2009	<u>8</u>	ORDER that the 10/15/09 conference shall be adjourned until 10/28/09 at 11:30 a.m. (Signed by Judge Richard J. Sullivan on 10/13/09) (dle) (Entered: 10/14/2009)
10/20/2009	<u>9</u>	ORDER: An initial conference in the above-captioned matter is currently scheduled for October 28, 2009 at 11 :30 a.m. Due to a trial-related scheduling conflict, the conference is hereby rescheduled for thirty minutes earlier: October 28, 2009 at 11:00 a.m. (Signed by Judge Richard J. Sullivan on 10/20/2009) (jpo) (Entered: 10/21/2009)
10/28/2009		Minute Entry for proceedings held before Judge Richard J. Sullivan: Initial Pretrial Conference held on 10/28/2009. The conference began at 11:00am and concluded at 11:15am. Alan Wolin was present on behalf of Plaintiff. AUSA Li Yu was present on behalf of Defendants. A court reporter was present. The Court issued an order. (mbe) (Entered: 11/02/2009)
10/30/2009	<u>10</u>	ORDER: For the reasons stated on the record, IT IS HEREBY ORDERED THAT, by November 4, 2009, each party shall submit a letter that addresses whether the undersigned should recuse himself from this matter. IT IS FURTHER ORDERED THAT, by November 20, 2009, the parties shall submit a proposed Case Management Plan and a joint letter that apprises the Court of any new developments in the case and the current scope of the dispute. (Signed by Judge Richard J. Sullivan on 10/28/2009) (jpo) (Entered: 11/02/2009)
11/05/2009	<u>11</u>	ORDER: Accordingly, and after consideration of 28 U.S.C. 455, the Court concludes that recusal is unnecessary. So Ordered (Signed by Judge Richard J. Sullivan on 11/3/09) (js) (Entered: 11/05/2009)
11/30/2009	<u>12</u>	ORDER: Pre-Motion Conference set for 12/10/2009 at 09:30 AM before Judge Richard J. Sullivan. (Signed by Judge Richard J. Sullivan on 11/30/2009) (jpo) (Entered: 11/30/2009)
12/10/2009	<u>13</u>	ORDER: By December 21, 2009, the government shall submit its Vaughn index. By January 22, 2010, Plaintiff shall submit a list of the Vaughn index entries that he intends to challenge. By February 23, 2010, the parties shall file cross-motions for summary judgment and supporting papers. By March 24, 2010, the parties shall file their papers in opposition to the motions for summary judgment. By April 16, 2010, the parties shall file their reply briefs, if any, in support of their motions for summary judgment. (Signed by Judge Richard J. Sullivan on 12/10/09) (tro) (Entered: 12/11/2009)
01/20/2010	<u>14</u>	ORDER THAT the dates set forth in the December 10, 2009 Order are adjourned, and further disclosures and briefing shall take place on the following schedule: By February 22,2010, Plaintiff shall submit a list of the Vaughn index entries that he intends to challenge. By March 25, 2010, the parties shall file cross-motions for summary judgment and supporting papers. By April 23, 2010, the parties shall file their papers in opposition to the motions for summary judgment. By May 17,2010, the parties shall file their reply briefs, if any, in support of their motions for summary judgment. SO ORDERED. (Cross Motions due by 3/25/2010., Replies due by 5/17/2010., Responses due by 4/23/2010) (Signed by Judge Richard J. Sullivan on 1/19/2010) (jmi) Modified on 1/21/2010 (jmi). (Entered: 01/21/2010)

02/25/2010	<u>15</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Alan E. Wolin dated 2/25/2010 re: Counsel for Plaintiff request the deadline will be as follows: (1) by 3/15/2010 plaintiff is to submit a list of a Vaughn index entries that he intends to challenge; (2) by 4/15/2010, the parties shall file cross-motions for summary judgment and supporting papers; (3) by 3/17/2010, the parties shall file their papers in opposition to the motions for summary judgment; and (4) by 6/6/2010 the parties shall file their reply briefs, if any, in support of their respective motions for summary judgment. ENDORSEMENT: SO ORDERED. (Signed by Judge Richard J. Sullivan on 2/25/2010) (tro) (Entered: 03/01/2010)
03/23/2010	<u>16</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Li Yu dated 3/22/2010 re: Requesting an extension to the motion briefing schedule for the parties cross-motion, such that the parties shall file cross motions for summary judgment and supporting papers by May 10; the parties shall file their papers in opposition to the motions for summary judgment by June 7, 2010; and the parties shall file their reply briefs in support of their respective motions for summary judgment by July 1, 2010. ENDORSEMENT: So Ordered. (Signed by Judge Richard J. Sullivan on 3/22/2010) (jpo) Modified on 3/31/2010 (jpo). (Entered: 03/23/2010)
03/23/2010		Set Deadlines/Hearings: Cross Motions due by 5/10/2010. Replies due by 7/1/2010. Responses due by 6/7/2010 (jpo) (Entered: 03/31/2010)
05/05/2010	<u>17</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Li Yu dated 5/3/2010 re: Requesting an extension of the deadline to file cross motions until May 14, 2010. ENDORSEMENT: So Ordered. (Signed by Judge Richard J. Sullivan on 5/4/2010) (jpo) (Entered: 05/05/2010)
05/14/2010	<u>18</u>	MOTION for Summary Judgment. Document filed by Charles Ferrigno.(Wolin, Alan) (Entered: 05/14/2010)
05/14/2010	<u>19</u>	MEMORANDUM OF LAW in Support re: <u>18</u> MOTION for Summary Judgment.. Document filed by Charles Ferrigno. (Wolin, Alan) (Entered: 05/14/2010)
05/14/2010	<u>20</u>	RULE 56.1 STATEMENT. Document filed by Charles Ferrigno. (Wolin, Alan) (Entered: 05/14/2010)
05/14/2010	<u>21</u>	DECLARATION of Alan E. Wolin in Support re: <u>18</u> MOTION for Summary Judgment.. Document filed by Charles Ferrigno. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4–Pt.1, # <u>5</u> Exhibit 4–Pt. 2, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9 – Part 1, # <u>11</u> Exhibit 9 – Part 2, # <u>12</u> Exhibit 9 – Part 3, # <u>13</u> Exhibit 9 – Part 4, # <u>14</u> Exhibit 9 – Part 5, # <u>15</u> Exhibit 9 – Part 6, # <u>16</u> Exhibit 9 – Part 7, # <u>17</u> Exhibit 9 – Part 8, # <u>18</u> Exhibit 9 – Part 9, # <u>19</u> Exhibit 9 – Part 10, # <u>20</u> Exhibit 9 – Part 11, # <u>21</u> Exhibit 10 – Part 1, # <u>22</u> Exhibit 10 – Part 2, # <u>23</u> Exhibit 11, # <u>24</u> Exhibit 12, # <u>25</u> Exhibit 13, # <u>26</u> Exhibit 14)(Wolin, Alan) (Entered: 05/14/2010)
05/14/2010	<u>22</u>	MOTION for Summary Judgment of <i>Defendant US DHS, ICE</i> . Document filed by United States Department of Homeland Security, Immigration and Customs Enforcement. Responses due by 6/7/2010(Yu, Li) (Entered: 05/14/2010)
05/14/2010	<u>23</u>	MEMORANDUM OF LAW in Support re: <u>22</u> MOTION for Summary Judgment of <i>Defendant US DHS, ICE</i> .. Document filed by United States Department of Homeland Security, Immigration and Customs Enforcement. (Yu, Li) (Entered: 05/14/2010)
05/14/2010	<u>24</u>	DECLARATION of Catrina Pavlik–Keenan in Support re: <u>22</u> MOTION for Summary Judgment of <i>Defendant US DHS, ICE</i> .. Document filed by United States Department of Homeland Security, Immigration and Customs Enforcement. (Attachments: # <u>1</u> Exhibit A to Pavlik–Keenan Decl., # <u>2</u> Exhibit B to Pavlik–Keenan Decl., # <u>3</u> Exhibit C to Pavlik–Keenan Decl., # <u>4</u> Exhibit D to Pavlik–Keenan Decl., # <u>5</u> Exhibit E to Pavlik–Keenan Decl., # <u>6</u> Exhibit F to Pavlik–Keenan Decl., # <u>7</u> Exhibit G to Pavlik–Keenan Decl., # <u>8</u> Exhibit H to Pavlik–Keenan Decl.)(Yu, Li) (Entered: 05/14/2010)
06/07/2010	<u>25</u>	MEMORANDUM OF LAW in Opposition re: <u>22</u> MOTION for Summary Judgment of <i>Defendant US DHS, ICE</i> . and in further support of plaintiff's motion <u>18</u> for Summary Judgment. Document filed by Charles Ferrigno. (Wolin, Alan)

		(Entered: 06/07/2010)
06/07/2010	<u>26</u>	MEMORANDUM OF LAW in Opposition re: <u>18</u> MOTION for Summary Judgment.. Document filed by United States Department of Homeland Security, Immigration and Customs Enforcement. (Yu, Li) (Entered: 06/07/2010)
06/28/2010	<u>27</u>	REPLY MEMORANDUM OF LAW in Support re: <u>18</u> MOTION for Summary Judgment.. Document filed by Charles Ferrigno. (Wolin, Alan) (Entered: 06/28/2010)
03/09/2011	<u>28</u>	ORDER: The Clerk of Court is respectfully directed to docket the attached letter as the government's reply brief in this action. (Signed by Judge Richard J. Sullivan on 3/9/2011) (jfe) (Entered: 03/10/2011)
03/10/2011	<u>29</u>	Letter addressed to Judge Richard J. Sullivan from Li Yu dated 6/29/2010 re: Government's reply brief. (jfe) (Entered: 03/10/2011)
03/29/2011	<u>30</u>	MEMORANDUM AND ORDER denying <u>18</u> Motion for Summary Judgment; granting to all but the issue of segregability <u>22</u> Motion for Summary Judgment without prejudice to renewal. By 4/11/11, Defendant shall submit copies of the interview memoranda to the Court for in camera review. The Clerk of Court is respectfully directed to terminate the motions located at docket numbers 18 and 22. (Signed by Judge Richard J. Sullivan on 3/29/11) (cd) (Entered: 03/29/2011)
12/16/2011	<u>31</u>	ORDER: Accordingly, Defendant's motion for summary judgment with respect to segregability is HEREBY GRANTED. The Clerk of the Court is respectfully directed to close this case. (Signed by Judge Richard J. Sullivan on 12/15/2011) (jar) (Entered: 12/16/2011)
12/16/2011		Transmission to Judgments and Orders Clerk. Transmitted re: <u>31</u> Order, to the Judgments and Orders Clerk. (jar) (Entered: 12/16/2011)
12/20/2011	<u>32</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated December 15, 2011, Defendant's motion for summary judgment is granted with respect to segregability; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 12/20/11) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 12/20/2011)